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10/517,731	12/08/2004	Claude Chapel	PF020064	6035

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EXAMINER

RUTKOWSKI, JEFFREY M

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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08/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,731

Applicant(s).

CHAPEL ET AL.

Examiner

Jeffrey M. Rutkowski

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/08/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. The abstract of the disclosure is objected to because it contains legal phraseology and does not describe the invention in a narrative manner. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. **Claim 1** is objected to because of the following informalities: the term "...means enabling to..." does not properly conform to 35 U.S.C. 112 6th paragraph. Appropriate correction is required.

5. **Claim 4** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The means for updating signalization tables and means for inserting the modified signalization are already claimed in the parent claim [see **claim 1**].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Horie et al. (US Pat 6,968,376), hereinafter known as Horie, and further in view of Baidur et al. (US Pat 6,073,176), hereinafter known as Baidur, and Kubota et al. (US Pat 6,353,613), hereinafter known as Kubota.

8. For **claim 1**, Horie teaches a home gateway apparatus [title] with several external data sources **20A-C [figure 1]** (several external data sources). Horie teaches local devices

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communicate with the home gateway through a network, which includes a Wireless Local Area Network (WLAN) [col. 4 lines 15-27] (at least a local area network connecting peripherals).

Horie teaches the home gateway contains a combination of memory devices and communications interfaces to allow the home devices to connect to an external source [figure 2] (a plurality of means enabling to establish connections between the local area network and the external data sources). Horie does not teach the use of a means for controlling incoming data. Baidur teaches the means for controlling incoming data limitation absent from the teachings of Horie by disclosing a home gateway 20 includes a firewall 28 [col. line 56 to col. 4 line 4 and figure2] (means for controlling the incoming data from the external sources and for sending them to the local area network in order to reduce the bandwidth occupation on the local area network).

Horie also does not teach a means for updating signalization tables or a means for inserting modified signalization tables in a stream sent to the Local Area Network (LAN). Kubota teaches the means for updating signalization tables absent from the teachings of Horie by disclosing a controller unit 25 generates additional Program Specific Information (PSI) and Service Information (SI) on respective programs based upon packet identifier (PID). The controller 25 then generates a Program Map Table showing the PID values of the audio and video data [col. 7 lines 17-34] (means for updating signalization tables comprised in the incoming data). Kubota also teaches the means for inserting modified signalization table limitation absent from the teachings of Horie by disclosing the controller 25 also packets and outputs the generated PMT table [col. 7 lines 17-34] (means for inserting the modified signalization tables in the stream sent to the local area network).

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9. It would have been obvious to a person of ordinary skill in the art at the time of the invention use Baidur's firewall to control the flow of incoming packets in Horie's invention to protect against intrusions on the home network. It also would have been obvious to a person of ordinary skill in the art at the time of the invention to use Kubota's PMT table in Horie's invention to list all the PIDs for packets containing elements of a particular program. It would also have been obvious to a person of ordinary skill in the art at the time of the invention to packet and transmit the PMT table according to Kubota to allow other devices to locate the respective video and audio information.

10. For **claim 2**, the combination of Horie, Kubota and Baidur teach everything in **claim 1**. The teachings of Horie disclose a home gateway apparatus to interconnect a local and a external network **[figure 1]** (wherein it is intended to establish one connection with an external source upon request of peripherals of the local area network).

11. For **claims 3 and 5**, the combination of Horie, Kubota and Baidur teach everything in **claim 1**. The combination of does not teach the use of a filtering means. Baidur teaches the filtering means absent from the teachings of the combination by disclosing a home gateway **20** manages authorization, protocol access and filtering **[col. 6 lines 28-33]** (claim 3: wherein it comprises filtering means intended to remove some data coming from the external sources to create a single program transport stream or a partial multiple program transport stream for the local area network from the multiple program transport stream selected from the external source; claim 5: wherein the filtering means are intended to remove packets containing non-requested packet identifiers from the multiple transport streams to create the single transport streams).

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12. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use filtering in Horie's invention to avoid flooding the local network.

13. For **claim 4**, the combination of Horie, Kubota and Baindur teach everything in **claim 1**. The teachings of Kubota from **claim 1** address the limitations of the present claim and provide the motivation to combine (means for updating signalization tables comprised in the incoming data, means for inserting the modified signalization tables in the stream sent to the local area network).

14. For **claim 7**, the combination of Horie, Kubota and Baindur teach everything in **claim 1**. Horie also teaches an IEEE 1394 interface which home devices can use to communicate with the home gateway apparatus [**col. 4 lines 16-27 and figure 1**] (wherein the local area network is compliant with IEEE-1394 protocol).

15. For **claim 10**, Horie teaches a user (LAN user) can receive a variety of services from an external manager [**col. 5 lines 29-39**] (enabling the set-up of connections between the local area network and the external data sources). Horie does not teach controlling the flow of incoming packets. Baindur teaches the controlling incoming data limitation absent from the teachings of Horie by disclosing a home gateway **20** includes a firewall **28** [**col. line 56 to col. 4 line 4 and figure2**] (controlling the incoming data from the external sources and sending them to the local area network in order to reduce the bandwidth occupation on the local area network). The combination of Horie, Kubota and Baindur teach all the limitations of **claim 1** and provide the motivation to combine (said method being preferably intended to be implemented in a device according to claim 1).

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16. It would have been obvious to a person of ordinary skill in the art at the time of the invention use a firewall to control the flow of incoming packets in Horie's invention to protect against unauthorized data from entering the home network.

17. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Horie as modified by Kubota and Baidur as applied to **claim 1** above, and further in view of Hoffberg (US Pat 6,850,252).

18. For **claim 6**, the combination of Horie, Kubota and Baidur teach everything in **claim 1**. The combination does not teach a means to guarantee copy protection. Hoffberg teaches the means for copy protection limitation absent from the teachings of the combination by disclosing an intelligent electronic appliance [abstract] that can be used to aid in copy protection, serial copy management and a pay-per-view royalty collection system [col. 160 lines 8-11]. The copy protection is provided via anti-copy encryption [col. 170 lines 20-30] (wherein it has means to guarantee a copy protection of the data coming from the external source).

19. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use an intelligent device with copy protection functionality in Horie's invention to keep users from pirating copyrighted materials.

20. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Horie as modified by Kubota and Baidur as applied to **claim 1** above, and further in view of Movshovich et al. (US Pat 6,359,911), hereinafter known as Movshovich.

21. For **claim 8**, the combination of Horie, Kubota and Baidur teach everything in **claim 1**. The combination does not teach the use of the Digital Video Broadcast (DVB) or the Digital Sateillite System (DSS) standard. Movshovich teaches the DVB and DSS limitation absent from

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the teachings of the combination by disclosing the use of the DVB and the DSS standard [col. 11 lines 46-58] (wherein it is intended to generate a data stream on the local area network compliant with DVB or DSS standard).

22. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the DVB or DSS standard in Horie's invention to support transmissions from satellite and television stations.

23. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Horie, and further in view of Kubota, Baidur and Karol et al. (US Pat 6,628,617), hereinafter known as Karol.

24. For **claim 9**, Horie teaches a home gateway apparatus [title and figure 2] (A gateway enabling to establish connections between the local area network and the external data sources).

Horie teaches a home gateway apparatus is connected to several external data sources **20A-C [figure 1]** (several external data sources). Horie teaches home devices communicate with the home gateway through a home network, which includes a Wireless Local Area Network (WLAN) [col. 4 lines 15-27] (at least a local area network connecting peripherals). The combination of Horie, Kubota and Baidur teach all the limitations of **claim 1** and provide the motivation to combine (wherein each gateway module is a communication device according to claim 1). Horie does not teach the use of software modules. Karol teaches the software module limitation absent from the teachings of Horie by disclosing gateway functionality could be implemented as a software module by endpoints [col. 17 line 36] (being distributed among some peripherals, called gateway modules). Karol also teaches the endpoints include regular Personal Computers (PC) running a commercially available operating system [col. 17 lines 37-42] (comprising means for managing the introduction or the withdrawal of new gateways modules).

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Karol further teaches Connection Oriented (CO) capabilities are implemented by the operating system running RSVP hooks. The applications running in the PC will assume the connectionless (CL) mode of operation [col. 17 lines 40-42] (Each gateway module comprising means enabling it to establish a complete connection between the local area network and an external source, the other gateway modules having established or not a connection with an external source).

25. It would have been obvious to a person of ordinary skill in the art at the time of the invention use software gateway modules in Horie's invention to allow for the extension of a software to system. It also would have been obvious to a person of ordinary skill in the art at the time of the invention to use an operating system to handle to install and remove modules in Horie's invention since the operating system is responsible for running the applications. It also would have been obvious to a person of ordinary skill in the art at the time of the invention to use software gateway functionality to establish a CO connection in Horie's invention to accommodate users who have stricter Quality of Service (QoS) needs. It also would have been obvious to a person of ordinary skill in the art at the time of the invention to allow an existing application, such as an "off the shelf" file transfer client, to manage the connectionless mode of operation in Horie's invention when there is no need for a stricter QoS.

26. For **claim 11**, the combination of Horie, Kubota and Baidur teach everything in **claim 10**. The combination teaches all the limitations in **claim 10** and provides the motivation to combine. The combination does not teach the use of a computer program product. Karol teaches the software module limitation absent from the teachings of Horie by disclosing gateway functionality could be implemented as a software module by endpoints [col. 17 line 36] (Computer program product comprising program instructions for executing the steps of the

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method for creating semantic browsing options according to claim 10, when said program is loaded on a computer).

27. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use software gateway modules in Horie's invention to allow for the extension of a software system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey M. Rutkowski whose telephone number is (571)270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles D. Garber can be reached on (571)270-1202. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMR

A handwritten signature in black ink, appearing to read "Jeffrey M. Rutkowski", is located in the bottom right corner of the page.